

REMARKS

This application has been reviewed in light of the Office Action dated October 23, 2001. Claims 1-31 remain pending in this application. Claims 1, 24, 29 and 30 are the only independent claims. Claims 1-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,861,891 (*Becker*).

Applicant respectfully traverses the rejection of Claims 1-31 because *Becker* does not teach or suggest the claimed invention. Nor does *Becker* provide a teaching or suggestion or incentive to perform any modifications to produce Applicant's claimed invention.

Specifically, Claim 1 of the present application is directed to a method of generating a colored or shaded texture for images to be printed or displayed on a display device. According to that claim, a plurality of shape elements are provided. Each shape element defines a surface and is provided with an opacity which varies over its surface. The shape elements are overlapped in a predetermined region of the images.

Applicant respectfully submits that *Becker* fails to disclose most of the claimed steps of Claim 1.

For example, Applicant claims a method of generating a colored or shaded texture for images; *Becker* discloses a method for visually approximating a plot of scattered data points. Applicant requires that each of the shape elements be provided with an opacity which varies over its surface; *Becker* teaches no such requirement, and instead teaches merely that the opacity of each splat represents the density of data points in a corresponding bin (Column 2, lines 21-22). Accordingly, contrary to the method set forth by Applicant in Claim 1, *Becker* states that the "opacity of each splat is a function of the density of data

points (e.g., the count or number of data points in a corresponding bin)", as set forth at Column 3, lines 16-18. This concept has no relation whatsoever to Applicant's claims.

In summary, the entire thrust of the *Becker* patent is to visually approximate a plot of scattered data points, instead of plotting each data point in the space in which the point lies. This concept is totally unrelated to Applicant's invention, and there is no suggestion in the prior art to modify *Becker* for use as a "method of generating a colored or shaded texture for images", nor to modify *Becker* to provide "each of the shape elements with an opacity which varies over a surface".

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so. Since *Becker* is directed to a visual representation of scattered data points, *Becker* provides no teaching or suggestion or incentive to combine references to produce Applicant's present invention, which relates to the generation of colored and shaded textures. Furthermore, one skilled in the art could not have any expectation of success where the *Becker*'s visual representation of scattered data points was so different from those of the Applicant's present invention, according to Claim 1. It is respectfully submitted that if the method of *Becker* were modified according to the teaching of the present claimed invention so as to provide shape elements with an opacity which varies over its surface, the method of *Becker* would be rendered unsatisfactory for its intended purpose of visually approximating scattered data, as *Becker* uses varying opacity to indicate varying density of data.

In view of the foregoing it is submitted that Claim 1 is clearly patentable over the disclosure of *Becker*.

Independent Claims 24, 29 and 30 are respectively an apparatus claim, a method claim, and a computer storage medium claim, and recite features similar to those recited in Claim 1, and are thought to be patentable over *Becker* for the same reasons.

The other claims in this application are each dependent from one or another of the independent claims discussed above, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each on its own merits is respectfully requested.

Applicant respectfully requests favorable reconsideration and allowance of the present application.

If for any reason the Examiner is not convinced that the application is in condition for allowance, it is requested that Applicant's undersigned attorney be contacted in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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